

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE MARTIN HILTI FAMILY TRUST, :

Plaintiff, :

-against- :

KNOEDLER GALLERY, LLC, d/b/a :  
"Knoedler & Company," et al., :

Defendants. :

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FRANCIS HAMILTON WHITE, :

Plaintiff, :

-against- :

ANN FREEDMAN, et al., :

Defendants. :

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THE ARTHUR TAUBMAN TRUST, et al., :

Plaintiffs, :

-against- :

KNOEDLER GALLERY, LLC, d/b/a :  
"Knoedler & Company," et al., :

Defendants. :

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13 Civ. 0657 (PGG) (HBP)

ORDER

13 Civ. 1193 (PGG) (HBP)

13 Civ. 3011 (PGG) (HBP)

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MANNY SILVERMAN GALLERY, INC., :  
et al., :  
 :  
Plaintiffs, : 13 Civ. 8495 (PGG) (HBP)  
 :  
-against- :  
 :  
KNOEDLER GALLERY, LLC, d/b/a :  
"Knoedler & Company," et al., :  
 :  
Defendants. :

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MARTIN L. COHEN, et al., :  
 :  
Plaintiffs, : 13 Civ. 8515 (PGG) (HBP)  
 :  
-against- :  
 :  
ANN FREEDMAN, et al., :  
 :  
Defendants. :

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PITMAN, United States Magistrate Judge:

A conference having been held in this matter on October 23, 2014 during which various discovery disputes were discussed, for the reasons stated on the record in open court, it is hereby ORDERED that:

1. The depositions of non-parties need not await the completion of party depositions.

2. In the absence of an agreement among counsel to the contrary, all depositions are subject to a presumptive two-day limit. This aspect of this Order is without prejudice to a renewed motion for a longer or shorter presumptive limit should the presumptive two-day limit result in an excessive number of discovery disputes. Counsel should observe the following guidelines at depositions:

a. Speaking objections should not be made; the grounds for an objection should not be given unless requested by the interrogating counsel. All that counsel need do to preserve an objection is to state "Objection," or "Objection to form."

b. Directions not to answer should not be given unless a question would tend to probe an area of privilege or is so irrelevant that it is abusive. An example of the latter would be a question inquiring whether the witness was a Boy Scout or Girl Scout and, if so, what merit badges the witness earned. Garden-variety irrelevance does not warrant an instruction not to answer.

c. Unless there is a risk that an answer will disclose privileged subject matter, defending

counsel should not initiate a conversation with a witness while a question is pending; the witness may, however, initiate consultation with counsel at anytime

d. Colloquy among counsel should be avoided.

e. If counsel have a dispute at a deposition that cannot be resolve amicably, they may call my chambers for a ruling. My chambers number is (212) 805-6105.

3. No deposition may be commenced until forty-five days from the date of this Order to permit the parties to complete the initial round of document production. The parties may, however, start noticing depositions and serving subpoenae immediately

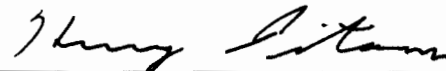
4. Plaintiffs' application to compel the production of the "Masaccio documents" and all other documents responsive to Document Requests Nos. 13 & 15 concerning the "Masaccio Collection," as defined by plaintiffs in their First Document Request, is granted.

5. The parties shall exchange non-binding lists of anticipated witnesses within 30 days of the date of this Order. The purpose of the lists is to facilitate the scheduling of depositions and should identify those

witnesses that counsel will most likely seek to depose.  
Any party may, at any time, add or delete witnesses to  
their list, and the fact that a party lists a potential  
witness does not obligate the party to depose that  
witness.

Dated: New York, New York  
October 23, 2014

SO ORDERED



HENRY PITMAN  
United States Magistrate Judge

Copies transmitted to:

Stephanie R. Kline, Esq.  
William L. Charron, Esq.  
James A. Janowitz, Esq.  
Rebecca Marie Siegel, Esq.  
Pryor Cashman LLP  
7 Times Square  
New York, New York 10036

David J. Eiseman, Esq.  
Michael M. Munoz, Esq.  
Beth E. Nagalski, Esq.  
Golenbock Eiseman Assor Bell & Peskoe LLP  
437 Madison Avenue  
New York, New York 10022

Aaron H. Crowell, Esq.  
Gregory A. Clarick, Esq.  
Emily Reisbaum, Esq.  
Clarick Gueron Reisbaum LLP  
220 Fifth Avenue  
New York, New York 10001

John R. Cahill, Esq.  
Paul Bossu, Esq.  
Ronald W. Adelman, Esq.  
Lynn & Cahill, LLP  
58 West 40th  
New York, New York 10018

Webster D. McBride, Esq.  
Daniel H. Weiner, Esq.  
Hughes Hubbard & Reed  
One Battery Park Plaza  
New York, New York 10004

Silvia L. Serpe, Esq.  
Eric B. Einisman, Esq.  
Paul W. Ryan, Esq.  
Serpe Ryan LLC  
11th Floor  
1115 Broadway  
New York, New York 10022

Luke W. Nikas, Esq.  
Paul B. Maslo, Esq.  
Boies, Schiller & Flexner, LLP  
30 South Pearl Street  
Albany, New York 12207

Nicholas A. Gravante, Jr., Esq.  
Boies, Schiller & Flexner, LLP  
575 Lexington Avenue  
New York, New York 10002

Charles D. Schmerler, Esq.  
Mark A. Robertson, Esq.  
India DeCarmine, Esq.  
Fulbright & Jaworski LLP  
666 Fifth Avenue  
New York, New York 10103

Jason P. Hernandez, Esq.  
Niketh V. Velamoor, Esq.  
Assistant United States Attorneys  
Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10007